

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Shannon D. Young,)	
)	Civil Action No: 3:12-cv-0009
Plaintiff)	
)	Judge Sharp
v.)	Magistrate Judge Griffin
)	
Reuben Hodge, et al.)	
)	
Defendants)	

DENIAL OF ENTRY OF DEFAULT

Pending is Plaintiff's Request for Entry of Default Judgment against Defendants (Docket Entry No. 15). The motion is denied as no returns of service upon the Defendants have been provided. The Clerk cannot verify that service has been performed or in what manner it was performed. Accordingly, Plaintiff's Request is denied.

Additionally, with respect to the individual defendants, the pending request is not supported with an adequate affidavit of military service as required by the Servicemembers Civil Relief Act of 2003 (50 App. U.S.C. 501 et seq.). The Act requires that affidavits be submitted that "state whether or not the Defendant is in military service and **showing facts necessary to support the affidavit**" (emphasis added). Plaintiff has stated in his affidavit in support (Docket Entry No. 16) that "Defendants are not in military service and are not infants or incompetents." However, that statement contains no facts to support the assertion. Information on the military status of an individual can be obtained at the Department of Defense website at <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. That website provides an on-line search utility (SSN required) as well as a help button link that

provides information on where requests for information can be sent (no SSN required) to determine whether a particular individual is on active duty in the military. Alternatively, a sworn statement or declaration from the Defendants or someone in a position to know the military status of the individual could be accepted. Other factors, such as the age of Defendants if beyond the age for service can be considered.

Plaintiff may file a renewed request for entry of default when proofs of service have been provided and when an adequate affidavit of military service has been provided.

s/ *Keith Throckmorton*

Keith Throckmorton
Clerk of Court